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Application No. 89330

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

THIS SPACE FOR OFFICE USE ONLY			
Date of filing in State Engineer's Office	<u>NOV 19 2019</u>		
Returned to applicant for correction	<u>DEC 05 2019</u>		
Corrected application filed	<u>DEC 05 2019</u>	Map filed	<u>DEC 18 2019</u>

The applicant NPLC BV Investment Company, LLC  
100 Bayview Circle, Suite 240 of Newport Beach  
Street Address or PO Box City or Town  
CA 92660 mburkes@npland.com  
State and ZIP Code E-mail Address

hereby make(s) application for permission to change the  
 Point of diversion       Place of use       Manner of use       of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Claims 711-713 of that certain Decree entitled, "United States of America, Plaintiff, vs. Orr Water Ditch Company, et, al, Defendants", in Equity Docket A-3

1. The source of water is Truckee River  
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 0.157 cfs, not to exceed 25 acre-feet annually  
Second feet, acre-feet    One second foot equals 448.83 gallons per minute

3. The water to be used for Construction & Dust Control  
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use

4. The water heretofore used for As Decreed  
If for stock, state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)

SW ¼ SW ¼, Section 34, T.19N., R.20E., M.D.B. & M., or at a point from which the SE Corner of Section 33, said township and range bears S. 86° 59' 14" W., a distance of 1,192.50 feet. Refer to Map filed with this application for proposed point of diversion.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

As Decreed - Several Ramelli Ditches from Steamboat Creek, from Alexander Lake and waste water from lands above. Refer to Map TR-26 on file with the Nevada State Engineer's office

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7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

See Attachment "A" and map filed with this application for proposed place of use

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

See Attachment "B" and map filed with this application for existing place of use

9. Proposed use will be from January 1 to December 31 of each year.  
Month and Day Month and Day

10. Existing use permitted from As Decreed to \_\_\_\_\_ of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Water will be diverted into a storage pond then pumped via standpipe to trucks for distribution.

12. Estimated cost of works \$10,000.00

13. Estimated time required to construct works Two (2) years

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Seven (7) years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

This permit is being filed to provide water for construction and dust control purposes within the proposed place of use. Due to the long-term nature of the proposed manner of use, a permanent application is being filed. Applicant reserves the right at a future date to change the point of diversion, manner and place of use of this permit at such time as the use under this application ceases.

16. Miscellaneous remarks:

This application being filed for year-round use as provided by the Orr Ditch Decree. Reference is made to Page 80 of said Decree which provides that winter irrigation is allowed to the place of use under DTR Claims 711-713.

gregb@tecreno.com  
E-mail Address  
(775) 352-7800 227  
Phone No. Ext.

APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT

Gregory M. Bilyeu

[Signature]  
Type or print name clearly  
Signature, applicant or agent  
TEC Civil Engineering Consultants  
Company Name  
9429 Double Diamond Parkway, Suite A  
Street Address or PO Box  
Reno, NV 89521  
City, State, ZIP Code

ATTACHMENT "A"

7. Proposed Place of Use

T.19N., R.20 E., M.D.B. & M.

Section 28: Portion of NE ¼ SW ¼  
Portion of SE ¼ SW ¼  
Portion of NW ¼ SE ¼  
Portion of NE ¼ SE ¼  
Portion of SE ¼ SE ¼  
All of SW ¼ SE ¼

Section 33: Portion of NE ¼ NW ¼  
Portion of SE ¼ NW ¼  
All of NW ¼ NE ¼  
Portion of NE ¼ NE ¼  
Portion of SE ¼ NE ¼  
All of SW ¼ NE ¼  
All of SE ¼

Section 34: Portion of SW ¼ NW ¼  
Portion of NW ¼ SW ¼  
Portion of SE ¼ SW ¼  
Portion of SW ¼ SW ¼

T.18N., R.20 E., M.D.B. & M.

Section 3: All of NW ¼ NW ¼  
Portion of NE ¼ NW ¼  
Portion of SE ¼ NW ¼  
All of SW ¼ NW ¼  
Portion of NW ¼ NE ¼  
Portion of SW ¼ NE ¼  
Portion of NW ¼ SE ¼  
All of NE ¼ SE ¼  
Portion of SE ¼ SE ¼  
Portion of SW ¼ SE ¼  
Portion of NW ¼ SW ¼  
Portion of NE ¼ SW ¼  
Portion of SE ¼ SW ¼  
Portion of SW ¼ SW ¼

Section 4: All of N ½ NW ¼  
All of SW ¼ NW ¼

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ATTACHMENT "B"

8. Existing Place of Use

Acres	Subdivision	Section	Township	Range (all M.D.B. & M.)
22.9	NE ¼ NW ¼	3	T.18N.	R.20E.
14.6	NW ¼ NW ¼	3	T.18N.	R.20E.
2.0	NE ¼ NE ¼	4	T.18N.	R.20E.
15.3	SW ¼ NW ¼	34	T.19N.	R.20E.
6.7	SW ¼ NE ¼	4	T.18N.	R.20E.
26.3	NW ¼ SW ¼	34	T.19N.	R.20E.
1.6	NW ¼ SW ¼	34	T.19N.	R.20E.
3.1	SW ¼ SW ¼	34	T.19N.	R.20E.
8.5	SE ¼ SW ¼	34	T.19N.	R.20E.
16.7	SW ¼ NE ¼	33	T.19N.	R.20E.
5.1	SE ¼ NW ¼	33	T.19N.	R.20E.
34.7	NW ¼ NE ¼	33	T.19N.	R.20E.
30.1	NE ¼ NE ¼	33	T.19N.	R.20E.
33.3	SE ¼ NE ¼	33	T.19N.	R.20E.
5.8	NE ¼ SE ¼	33	T.19N.	R.20E.
6.2	NE ¼ SW ¼	28	T.19N.	R.20E.
5.2	SE ¼ SW ¼	28	T.19N.	R.20E.
39.5	SW ¼ SE ¼	28	T.19N.	R.20E.
13.7	SE ¼ SE ¼	28	T.19N.	R.20E.
7.4	NE ¼ SE ¼	28	T.19N.	R.20E.
<u>23.9</u>	NW ¼ SE ¼	28	T.19N.	R.20E.
323.2	Acres Total			

Acres being removed from irrigation

Acres	Subdivision	Section	Township	Range (all M.D.B. & M.)
6.25	NE ¼ NW ¼	3	T.18N.	R.20E.

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